

Turning first to page 2 of the Office Action, in the “Response to Arguments,” the Examiner disagrees with the Applicant’s argument that “at least a first set of information in the encoded symbology in unencrypted.” And this is because the Examiner further states that, “it is noted that the features upon which applicant relies (i.e., the first set of information *in* the encoded symbology) are not recited in the rejected claim(s).” The Examiner takes a position that, as such, the portions 1 and 3 of Chow correspond to the recited elements in Claim 1 as it appeared then. While Applicants may disagree as to such interpretation and in order to further prosecution of this application, Claim 1 has been amended to recite a security feature in which both a “first set of information” as well as the “cryptographic measure” are both contained in the encoded symbology. As discussed in the paper “Reasons for Pre-Appeal Brief Request for Review” dated July 29, 2008, Claim 1 differs from Chow in that the first set of information in the encoded symbology is unencrypted (pg. 2, last para.). Applicant believes that with the present amendments two purposes have been achieved. First, the Examiner’s position that the claim does not recite that the first set of information is in the encoded symbology is now no longer valid. Second, with such amendment, Claim 1 as recited now clearly distinguishes over the disclosure of Chow.

Both Claims 1 and Claims 3 to 4, 6, 7, and 10 to 14 were rejected under 35 USC §103 as being unpatentable over Chow in view of Chen *et al.* (US 5,694,471) (hereinafter “Chen”). Inasmuch as Claim 1 has been amended to distinguish over Chow, all claims depending on Claim 1 necessarily contain the same recitation. As such, irrespective of the disclosure of Chen, any combination of Chow with Chen would not be obvious inasmuch as Chow itself does not contain the now recited apparatus elements of Claim 1 and claims dependant thereon.

Applicant notes on page 4 of the Office Action that while the rejection is directed to Claims 1-4, 6, 7, and 10-14, in the very next paragraph the Examiner also discusses “Claim 5” in connection with the same rejection as Claim 1. Therefore, Applicants have interpreted the foregoing as the Examiner meaning to include Claim 5 in the rejection of the Claims 1-4, 6, 7, and 10-14.

Furthermore, Applicant notes that Claim 1 (and thus all claims dependent on Claim 1, that is, Claims 2-14) recite that the “cryptographic measure” identifies a “record of fabrication for the identification document.” The Examiner acknowledges that Chow does not disclose this feature, but states that Chen discloses an “issue identification number.” Applicant believes that what Chen discloses, at least for the purposes of Claims 1 and 2, is not a “record of fabrication.” Fabrication details are discussed in the Applicant’s specification (para. 0049) in detail and do not include an “issue identification number.” The recitation of this feature further distinguishes Claims 1 and 2 from the combination of Chow in view of Chen. As to Claim 3, while such claim does recite an “issue identification” that such is contained in the final set of information, not in the cryptographic measure, as recited in Claim 3.

Therefore, since Claim 1 has been amended to include specific recitations which clearly are not found in the Chow reference and since the Claims which depend upon Claim 1, that is Claims 2 through 14, contain the same recitation, dependant Claims 2 through 14 are patentable over the combination of Chow and Chen for the reasons given above with respect to Claim 1.

Turning now to Claim 15, Claim 15 is the second independent claim in this application and recites a method of analyzing an identification document. Claim 15 was rejected under 35 USC §103(a) on the primary reference to Chow in view of Manabe. Manabe is cited for the purpose of disclosing inserting discrimination information and for printing person or a printing

controller system (see Office Action, p. 8). Chow is cited, as in Claim 1, for disclosing a “first set of information and cryptographic signature corresponding to the first set of information, wherein the first set of information and cryptographic signature are encoded in a machine-readable format, the encoded being printed or engraved on a surface of the identification document.” Claim 15 has been amended in a manner similar to the amendments made to Claim 1 discussed above to recite a security feature printed or engraved on a surface of the identification document and a two-dimensional encoded symbology, in which the identification document further comprises a first set of information and cryptographic signature and wherein both are contained in the encoded symbology. As noted and discussed above, Chow does not disclose such identification document and as now recited, Claim 15 is believed to be patently distinguishable from over the main reference to Chow. Claims 16, 18 through 20 and 22 through 26 are each dependent, directly or indirectly, to Claim 15 and since each of these Claims include the same recitation as contained in Claim 15, these Claims are deemed to be patentable for the same reasons as Claim 15 is believed to be patentable. Claim 17 has been cancelled so does not merit further discussion.

Turning now to the next independent claim, Claim 21, that claim is drawn to a method of analyzing an identification document. Claim 21 has been amended much in the same manner as independent Claim 15 to incorporate the same limitations as introduced into Claim 15. Claim 21 was rejected in the Office Action as being unpatentable over Chow in view of Manabe and in view of a third reference the publication, “How Certificates Services Works.” As with Claims 1 and 15, Applicants believe that the amendment of the claims to add the additional limitations as to the structure of the identification document being analyzed distinguishes the identification

document over the main reference to Chow and, as such, the Claim 21 is believed to be unpatentable over the cited references.

Claim 27 is an independent method claim and recites the method of identifying unauthorized issuance of an identification document. Claim 27 has been amended in a like manner to other independent Claims 1, 15 and 21 to recite further limitations to the identification document to define patentability distinguish over the main Chow reference which is applied against Claim 27. As such, and for the foregoing reasons, it is believed that independent Claim 27 is patentable over the cited art. In addition, Claim 28, which is dependent on Claim 17, includes each and every limitation of that claim and, as such, is patentable over the cited prior art.

As noted, Claims 29 through 32 have been cancelled in order to expedite prosecution and allowance of this application. However, the cancellation of such claims in no way acknowledges that these claims or the invention recited therein are believed by the Applicant not to be patentable over the art cited by the Examiner in the Office Action of November 10, 2008.

CONCLUDING COMMENTS

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant asks that all claims be allowed.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. Applicants hereby submit a Three Month Extension of Time and authorize the Commissioner to charge the related fee of \$1,110.00 to Deposit Account No. 50-0311, Reference No. 38820-545F01US. Applicants believe no additional fees are due; however, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 38820-545F01US.

Respectfully submitted,



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